

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BRENDA HILL, MEDHANIE BERHE,
PATSY HARDY, MICHELLE MIKE,
EVELYN JENNINGS and RENA
HARRISON on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

KAISER FOUNDATION HEALTH PLAN,
INC.; KAISER FOUNDATION
HOSPITALS; and THE PERMANENTE
MEDICAL GROUP; d/b/a KAISER
PERMANENTE MEDICAL CARE
PROGRAM,

Defendants.

NO. 3:10-CV-02833-LB

**ORDER RE SEVEN ADMINISTRATIVE
MOTIONS TO SEAL**

**[Re: ECF Nos. 182, 184, 193, 200, 206, 212,
214]**

1 The court issues this order to resolve the sealing issues for the 22 documents filed under seal
 2 by the parties in connection with the plaintiffs' Motion to Enforce the Settlement Agreement and
 3 Jeremy Friedman's Motion Invoking Supplemental Jurisdiction to Address Reasonable
 4 Attorneys' Fees, including: (1) nine documents filed under seal by the plaintiffs on May 20, 2015
 5 (ECF Nos. 182 & 183-1); (2) a total of eleven documents filed under seal by Mr. Friedman on
 6 May 26, June 3, June 23, and June 26, 2015 (ECF Nos. 184 & 184-1, 193 & 193-1, 206 & 206-1,
 7 and 212 & 212-1); and (3) two documents filed by the defendants under seal on June 10, 2015
 8 (ECF Nos. 200 & 200-1).¹ (*See also* Kaiser's Omnibus Administrative Motion to File under Seal,
 9 ECF No. 214; Eakins Decl. and Exhibits, ECF Nos. 214-1, 214-2, 214-3, 214-4 & 214-5
 10 (highlighted unredacted versions and proposed redacted versions of the same 22 documents).)

11 Based on its review, the court finds that the sealing can be substantially narrowed in
 12 accordance with Civil Local Rule 79-5 to include sealing only those portions of the documents
 13 where good cause has been shown that refer to: (1) monetary terms set forth in the Confidential
 14 Settlement Agreement; (2) confidential settlement terms related to programmatic commitments
 15 set forth in the Confidential Settlement Agreement; (3) confidential commitments by the
 16 respective Parties in the Confidential Settlement Agreement that are not germane to Friedman's
 17 fee dispute; (4) confidential "Lawsuit Information" as defined in the Confidential Settlement
 18 Agreement; and (5) confidential settlement communications and confidential settlement
 19 negotiations conducted under Local ADR Rule 7-5.

20 Accordingly, as set forth below in the charts addressing the documents that were the subject
 21 of the Administrative Motions to Seal of the Submitting Parties, the court orders that: (1)
 22 Defendants' proposed redacted versions of fourteen sealed documents may be filed, which were
 23 attached to the Declaration of Jan E. Eakins in support of Defendants' Administrative Motion to
 24 Seal dated June 30, 2015 (each the "Proposed Redacted Version") with the unredacted versions of
 25 the same documents to remain sealed; (2) seven sealed documents may be unsealed and an
 26 unredacted version of the document filed by the Submitting Party or Parties; and (3) one

27 ¹ Citations are to the Electronic Case File ("ECF"); pin cites are to the ECF-generated page
 28 numbers at the tops of the documents.

document will remain sealed in its entirety. In accordance with Civil Local Rule 79-5(f), the documents sought to be sealed where the Administrative Motion is denied or granted in part will not be considered by the court unless the Submitting Party or Parties files the Proposed Redacted Version with the Court within seven days after the date of this Order.

**I. PLAINTIFFS' ADMINISTRATIVE MOTION TO SEAL EXHIBITS TO
DECLARATION OF RAMZI ABADOU (FILED 5/20/15; ECF NOS. 182 & 183-1)**

	Description of Document Filed Under Seal Pursuant to L.R. 79-5	Result
A	<u>Exhibit A to Abadou Decl.:</u> Complaint for Damages (Attorney Fee Dispute), Case No. CGC-15-545796, Superior Court of California, County of San Francisco, <i>Jeremy L. Friedman vs. Medhanie Berhe, et al.</i> , dated May 12, 2015 (ECF No. 182-4)	The motion to seal is denied. The Submitting Party may file an unredacted version of this document.
B	<u>Exhibit B to Abadou Decl.:</u> Confidential Settlement Agreement between Defendants and Plaintiffs, signed by all parties and Plaintiffs' counsel on December 6, 2013 (w/o Exhibits) (ECF No. 182-5)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.
C	<u>Exhibit C to Abadou Decl.:</u> Handwritten Trust Account Agreement signed by Plaintiffs' Counsel on December 6, 2013 (ECF No. 182-6)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.
D	<u>Exhibit D to Abadou Decl.:</u> Non-Binding Arbitration Award, BASF Case No. 14.018, <i>In the Matter of Arbitration between Patsy Hardy, et al. v. Jeremy Friedman</i> dated April 6, 2013 (ECF No. 182-7)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.
E	<u>Exhibit E to Abadou Decl.:</u> Rejection of Award and Request for Trial After Attorney-Client Fee Arbitration, Case No. CGC-15-545796, Superior Court of California, County of San Francisco, <i>Jeremy L. Friedman vs. Medhanie Berhe, et al.</i> , dated May 12, 2015 (ECF No. 182-8)	The motion to seal is denied. The Submitting Party may file an unredacted version of this document.
F	<u>Exhibit F to Abadou Decl.:</u> Email exchanges between Jeremy Friedman and Nancy Abell, Counsel for Defendants, April 22-24, 1015, re Confidentiality Provisions of Settlement Agreement (ECF No. 182-9)	The motion to seal is denied. The Submitting Party may file an unredacted version of this document.

	Description of Document Filed Under Seal Pursuant to L.R. 79-5	Result
G	<u>Exhibit G to Abadou Decl.</u> : Email from Jeremy Friedman to Kendra Tanacea dated April 22, 2015 re Trust Agreement in <i>Hill v. Kaiser</i> (ECF No. 182-10)	The motion to seal is denied. The Submitting Party may file an unredacted version of this document.
H	<u>Exhibit H to Abadou Decl.</u> : Friedman Declaration Re Plaintiffs' Attorneys Fees and Costs in <i>Hill v. Kaiser</i> dated July 27, 2013; Settlement – Confidential Summary of Hours Billed By Gordon Renneisen; and Kendra Tanacea Fee Summary (ECF No. 182-11)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.
H(2)	<u>Exhibit H(2) to Abadou Decl.</u> : Jeremy Friedman, Attorney Time dated 7/16/2013 with time entries from 6/7/2007 – 7/12/2013 (ECF No. 182-12)	The motion to seal is denied. The Submitting Party may file an unredacted version of this document.

II. FRIEDMAN'S ADMINISTRATIVE MOTION TO FILE EXHIBITS TO FRIEDMAN DECLARATION UNDER TEMPORARY SEAL (FILED 5/26/15; ECF NOS. 184 & 184-1)

	Description of Document Filed Under Seal Pursuant to L.R. 79-5	Result
1	<u>Exhibit 1 to Friedman Decl.</u> : Letter dated 5/12/13 from Jeremy L. Friedman to Nancy L. Abell re <i>Hill v. Kaiser</i> , marked "Confidential Settlement Communication" (15 pages) (ECF No. 184-4)	The motion to seal is granted in its entirety. This document is SEALED .
2	<u>Exhibit 2 to Friedman Decl.</u> : [Proposed Draft] Third Amended Complaint, <i>Hill v. Kaiser</i> , Case No. 3:10-cv-2833 RS (not filed) dated December 2013 (ECF No. 184-5)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.
3	<u>Exhibit 3 to Friedman Decl.</u> : Exhibits A, B, C, D, & E to Confidential Settlement Agreement dated 12/6/13 (Ex. I.B above) (ECF No. 184-6)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.
4	<u>Exhibit 4 to Friedman Decl.</u> : "Memorandum of Understanding re Settlement Agreement signed 12/6/13" signed by Jeremy Friedman, Gordon Renneisen, and Kendra Tanacea dated 12/6/13 (ECF No. 184-7)	The motion to seal is denied. The Submitting Party may file an unredacted version of this document.

	Description of Document Filed Under Seal Pursuant to L.R. 79-5	Result
5	<u>Exhibit 5 to Friedman Decl.</u> : Jeremy Friedman Attorney Time dated 12/1/14 covering period from 6/7/07 to 12/6/13 (ECF No. 184-8)	The motion to seal is denied. The Submitting Party may file an unredacted version of this document. ²
6	<u>Pleading</u> : Attorney Friedman's Memorandum of Points and Authorities re Sealing (ECF No. 184-3)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.

III. FRIEDMAN'S ADMINISTRATIVE MOTION TO FILE EXHIBITS AND AN OPPOSITION MEMORANDUM UNDER TEMPORARY SEAL AND SUPPORTING FRIEDMAN DECLARATION (FILED 6/3/15; ECF NOS. 193 & 193-1)

	Description of Document Filed Under Seal Pursuant to L.R. 79-5	Result
1	<u>Pleading</u> : Friedman's Motion Invoking Supplemental Jurisdiction to Address Reasonable Attorneys' Fees; Memorandum of Points and Authorities in support of Motion and in Opposition to Motion to Enforce Settlement dated 6/3/15 (ECF No. 193-3)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.
2	<u>Pleading</u> : Declaration of Attorney Friedman in Support of Cross-Motion re Fee Dispute and In Opposition to Motion to Enforce Settlement Agreement dated 6/3/15 (ECF No. 193-4)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.
3	<u>Exhibit 6 to Declaration of Jeremy Friedman</u> : Declaration of Plaintiffs' Attorneys' Fees and Costs to be Released to Defendants dated 9/26/13 in connection with settlement discussions (ECF No. 193-5)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed. ³

IV. DEFENDANTS' ADMINISTRATIVE MOTION TO SEAL AND SUPPORTING DECLARATION (FILED 6/10/15; ECF NOS. 200 & 200-1)

² The Court notes that this document is substantially the same as document H(2) above filed by Plaintiffs, except that this document covers an additional five month period through 12/6/13.

³ The Court notes that this declaration is the same as Friedman's declaration dated 7/27/13 filed by Plaintiffs above as Exhibit H, except the earlier declaration provided that it is "Confidential – Not To Be Released To Defendants," while this documents states "To Be Released To Defendants."

	Description of Document Filed Under Seal Pursuant to L.R. 79-5	Result
1	<u>Pleading:</u> Defendants' Opposition to Jeremy Friedman's Motion Invoking Supplemental Jurisdiction to Address Reasonable Attorneys' Fees dated 6/10/15 (ECF No. 200-4)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.
2	<u>Pleading:</u> Declaration of Nancy L. Abell in Support of Defendants' Opposition to Jeremy Friedman's Motion Invoking Supplemental Jurisdiction to Address Reasonable Attorneys' Fees dated 6/10/15 (ECF No. 200-5)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.

V. FRIEDMAN'S ADMINISTRATIVE MOTION TO SEAL AND SUPPORTING DECLARATION (FILED 6/23/15; ECF NOS. 206 & 206-1)

	Description of Document Filed Under Seal Pursuant to L.R. 79-5	Result
1	<u>Pleading:</u> Friedman's Reply to Kaiser's Opposition to Motion Invoking Supplemental Jurisdiction to Address Reasonable Attorneys' Fees dated 6/23/15 (ECF No. 206-3)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.

VI. FRIEDMAN'S ADMINISTRATIVE MOTION TO SEAL AND SUPPORTING DECLARATION (FILED 6/26/15; ECF NOS. 212 & 212-1)

	Description of Document Filed Under Seal Pursuant to L.R. 79-5	Result
1	<u>Pleading:</u> Friedman's Reply to Disputing Plaintiffs' Opposition to Motion Invoking Supplemental Jurisdiction to Address Reasonable Attorneys' Fees dated 6/26/15 (ECF No. 212-3)	The motion to seal is granted in part and denied in part. The unredacted version of this document is SEALED . The Proposed Redacted Version of this document may be filed.

IT IS SO ORDERED.

Dated: July 27, 2015


LAUREL BEELER
United States Magistrate Judge